

Appl. No. : 09/579,327
Filed : May 25, 2000

REMARKS

Applicants wish to thank the Examiner for discussing the application in the teleconference on Thursday, June 19th, 2003. By this amendment, Claims 1-21 and 34-39 are cancelled. New Claims 40 through 66 have been added. No new matter has been added by this amendment.

Regarding New Claims 40 through 66

New Claims 40 through 66 have been added by this amendment. Support for the Claim element "testing the composition for immune stimulating activity" present in new Claim 40 can be found, for example, in Example 3, page 6, line 1 through page 8, line 3.

Support for the markush elements of Claim 65 (lymphocyte proliferation, cytokine production, and dendritic cell maturation) can also be found in Example 3, page 6, line 1 through page 8, line 3. For example, methods of analyzing lymphocyte proliferation are disclosed on page 6, lines 21 through 31. Methods of analyzing cytokine production are disclosed, for example, on page 7, lines 1-18. Methods of measuring dendritic cell maturation are disclosed, for example, on page 7, line 19 through page 8, line 3.

Support for the pH limitations present in Claims 61 through 64 can be found on page 11, lines 24 through 29 of the specification.

Support for the pH limitation present in Claim 66 can be found in the specification at page 11, lines 28 through 29.

The present invention is novel and nonobvious in view of the previously cited art

The prior art cited by the Examiner in the previous Office Action, mailed August 8, 2002, does not teach or suggest the claimed amendments. Pancholi teaches a method of isolating a protein from bacteria, involving the addition of certain enzymes such as lysin or mutanolysin. Further, Pancholi does not teach the production of immunostimulatory compositions.

Kawai teaches bacterial extracts prepared by autoclaving the bacteria in distilled H₂O. Additionally, the method of Kawai is only for the production of anticariogenic or antiperiodontic products. The method of Kawai does not teach or suggest that the bacterial extract can be used for producing immune-stimulating compositions. In contrast, the instant

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invention utilizes an acid treatment solution, and produces a bacterial extract that can be used for immune stimulation.

CONCLUSION

Applicants have attempted to address each of the issues raised in the advisory action. Applicants respectfully submit that the application is now in condition for allowance, which action is earnestly solicited. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 20 June 2003

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